

1 JOHN A. RUSSO, City Attorney - State Bar #129729  
2 RANDOLPH W. HALL, Chief Assistant City Attorney - State Bar #080142  
3 WILLIAM E. SIMMONS, Supervising Trial Attorney - State Bar #121266  
4 ARLENE M. ROSEN, Deputy City Attorney - State Bar #100160  
5 One Frank H. Ogawa Plaza, 6th Floor  
6 Oakland, California 94612  
7 Telephone: (510) 637-0360 Fax: (510) 238-6500  
8 X00960/287387

9 Attorneys for Defendants  
10 City of Oakland, Lieutenant Michael Yoell  
11 and Officer Anthony Centeno

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 DARIUS ESTERS, et al.,

15 Plaintiffs,

16 v.

17 CITY OF OAKLAND, et al.,

18 Defendants.

Case No. C-01-2510-CW

**STIPULATION AND [PROPOSED]  
PROTECTIVE ORDER RE:  
NONDISCLOSURE OF  
CONFIDENTIAL DOCUMENTS**

19 The signatories to this Stipulation hereby agree as follows:

20 1. Pursuant to Court Order, and as set forth in Defendant CITY OF  
21 OAKLAND's Response to Plaintiffs' Request for Production of Documents, Set No. One,  
22 defendants will provide plaintiffs with copies of certain personnel files for LIEUTENANT  
23 MICHAEL YOELL and OFFICER ANTHONY CENTENO.

24 2. Pursuant to Court Order, and as set forth in Defendant CITY OF  
25 OAKLAND's Response to Plaintiffs' Request for Production of Documents, Set No. One,  
26 defendants will provide plaintiffs with copies of certain Internal Affairs files for

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1 LIEUTENANT MICHAEL YOELL and OFFICER ANTHONY CENTENO.

2 3. The above-referenced personnel files and Internal Affairs files are  
3 disclosed only for purposes of and in connection with the prosecution or defense of the  
4 above-captioned lawsuit. Plaintiffs and their counsel may not make use of this information  
5 for any other purpose.

6 4. The information shall not be disclosed to any person except:

7 (a) counsel of record for the parties, including co-counsel of  
8 record;

9 (b) employees of such counsel assigned to and necessary to  
10 assist such counsel in the preparation of this lawsuit;

11 (c) the parties, or employees of the parties, to the extent deemed  
12 necessary by counsel for the prosecution or defense of this lawsuit;

13 (d) deponents noticed by the parties in this lawsuit;

14 (e) consultants and experts for the parties in this lawsuit;

15 (f) court reporters;

16 (g) the Court.

17 5. Any person receiving and/or reviewing any of the confidential  
18 information contained in the documents described above shall not reveal to or discuss  
19 such information with any person who is not entitled to receive such information under  
20 Paragraph 4 above.

21 6. Any papers filed or to be filed with the Court which append any of the  
22 above-described confidential information, or make reference to the matters derived from  
23 any of the information, shall be filed under seal and held in confidence. Confidential  
24  
25  
26

1 discovery material shall not be copied or reproduced except to the extent such copying or  
 2 reproduction is reasonably necessary to the conduct of this lawsuit. All such copies or  
 3 reproductions shall be subject to the terms of this Protective Order.

4  
 5 7. Within thirty (30) days after the termination of the above-captioned  
 6 lawsuit, all of the information and all copies and reproductions thereof, shall be returned to  
 7 counsel for the defendants.

8 8. Nothing contained in this Stipulation, or any action taken in  
 9 compliance herewith, shall operate as an admission by any party that any particular  
 10 information is, or is not, admissible in evidence at the trial of this action. Production by  
 11 defendants of the information does not constitute, nor is it to be construed to be a waiver  
 12 of any privilege or evidentiary objection they otherwise might have with respect thereto.

13 9. The parties to this action agree to submit to the jurisdiction of the  
 14 Court in this matter to resolve any disputes regarding compliance with this Stipulation.

15 **IT IS SO STIPULATED.**

16 DATED: May 15, 2002

//s//JAMES B. CHANIN//s//  
 JAMES B. CHANIN  
 Attorney for Plaintiffs  
 Darius Esters, et al.

19  
 20 DATED: May 15, 2002

//s//ARLENE M. ROSEN//s//  
 ARLENE M. ROSEN  
 Attorney for Defendants  
 City of Oakland, et al.

23 **PURSUANT TO STIPULATION,**  
 24 **IT IS SO ORDERED**

25 DATED: \_\_\_\_\_

\_\_\_\_\_  
 CLAUDIA WILKEN  
 United States District Judge